



ITW

ATTORNEY'S DOCKET NUMBER: 2003946-0110 (ANDI/US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Boivin, et al. Examiner: Not yet assigned  
Serial No.: 10/507,067 Art Unit: Not yet assigned  
Filing Date: September 8, 2004 Conf. No: 8892  
Title: MACROCYCLIC COMPOUNDS USEFUL AS  
PHARMACEUTICALS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|  |           |
|--|-----------|
| <b>Certificate of Mailing</b>  |           |
| I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |           |
| May 23, 2006   |           |
| Date   | Signature |
| Mary B. Wilson   |           |
| Typed or Printed Name of person signing certificate  |           |

Sir:

**TRANSMITTAL LETTER**

Enclosed **for filing** in the above-referenced patent application, please find the following documents:

1. Statement Filed Pursuant To The Duty Of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (Supplemental) (6 pages);
2. Supplemental Form PTO-1449 (1 page);
3. Cited Art (1 reference, 1 enclosed); and
4. Return-Receipt Postcard.

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,  
CHOATE, HALL & STEWART LLP

Date: May 23, 2006

Nadège M. Lagneau, Ph.D.  
Reg. No.: 51,908

PATENT DEPARTMENT  
CHOATE, HALL & STEWART LLP  
Two International Place  
Boston, Massachusetts 02110  
Telephone: (617) 248-5000  
Facsimile: (617) 248-4000




ATTORNEY'S DOCKET NUMBER: 2003946-0110 (ANDI/US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Boivin, et al. Examiner: Not yet assigned  
Serial No.: 10/507,067 Art Unit: Not yet assigned  
Filing Date: September 8, 2004 Conf. No: 8892  
Title: MACROCYCLIC COMPOUNDS USEFUL AS  
PHARMACEUTICALS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

| Certificate of Mailing   |   |
|--|---|
| I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |   |
| May 23, 2006<br>Date   | <br>Signature |
| Mary B. Wilson<br>Typed or Printed Name of person signing certificate  |   |

Sir:

**STATEMENT UNDER 35 CFR §§ 1.56, 1.97, & 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- ☐ An *original* Information Disclosure Statement; or  
☒ A *supplemental* Information Disclosure Statement.

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
  - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
  - ☒ Before the mailing of a first Office action on the merits; or
  - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
- ☐ Certifies that *either*:
    - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
    - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the

knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; or

☐ Includes herewith the fee set forth in § 1.17(p).

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

☒ A Copy of Reference 1 is included;

☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

| Serial Number | Filing Date | Status |
|---------------|-------------|--------|
|               |             |        |

☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

☒ Does not contain non-English language citations;

☐ Does contain non-English language citations, a concise

explanation of which is provided in the form of an abstract.

[ ] Includes one or more translations of a non-English citation.

### Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

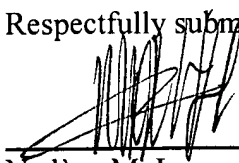
The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,



Nadège M. Lagneau, Ph.D.  
Reg. No.: 51,908

Dated: May 23, 2006

PATENT DEPARTMENT  
CHOATE, HALL & STEWART  
Two International Place  
Boston, Massachusetts 02110  
(617) 248-5000  
(617) 248-4000

U.S. Department of  
Commerce  
Patent and Trademark  
Office

Atty. Docket:  
2003946-0110  
(ANDI/US)

In re Application No.  
10/507,067

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT**

(Use several sheets if necessary)

Applicant: Boivin, *et al.*

Filing Date:  
September 8, 2004

Group:  
Not yet assigned

**U.S. PATENT DOCUMENTS**

| Examiner's<br>Initials | U.S. Patent No. | Applicant | Issue Date | Class | Subclass |
|------------------------|-----------------|-----------|------------|-------|----------|
|                        |                 |           |            |       |          |

**U.S. PATENT APPLICATIONS**

| Examiner's<br>Initials: | Serial Number: | Applicant: | Filing Date: | Group: | Art Unit: |
|-------------------------|----------------|------------|--------------|--------|-----------|
|                         |                |            |              |        |           |

**FOREIGN PATENT DOCUMENTS**

| Examiner's<br>Initials | Document No.  | Country | Date               | Translation |    |
|------------------------|---------------|---------|--------------------|-------------|----|
|                        |               |         |                    | Yes         | No |
| 1.                     | WO03/076424A1 | PCT     | September 18, 2003 |             |    |

**OTHER DOCUMENTS**

| Examiner's<br>Initials | Citation (Including Author, Title, Date, Pertinent Pages, Etc.) |
|------------------------|---|
|                        |   |
| EXAMINER               | DATE CONSIDERED   |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.